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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,330	07/30/2001	Aaron J. Sheedy	005217.P052	2948
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 6300 SEATTLE, WA 98104-7092			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2616	PAPER NUMBER
DATE MAILED: 10/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/919,330

**Applicant(s)**

SHEEDY, AARON J.

**Examiner**

James A. Fletcher

**Art Unit**

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.
2. The examiner notes that the application included an Information Disclosure Statement and several pieces of applicable prior art, but the Form 1449 appears to have been lost from the application file. The examiner requests the applicant to file a replacement copy of the form with any response to this office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 4-6, 8-20, 23-26, 28-29, 32-35, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al (United States Patent Application Publication 2001/0003846).

**Regarding claims 1 and 17,** Rowe et al disclose a method comprising:

- receiving programming content from a plurality of broadcasters at a broadcast center (Paragraph 0063 “Data Analysis and Graphics 100 receives and processes data directly from external sources... These sources may include third-party services gathering current and historical information”);
- recording at least a portion of the programming content in a storage device (Paragraph 0059 “The streaming media distribution system 50... integrates a variety of live... programs with taped and/or stored programming”);
- broadcasting the programming content to a plurality of client terminals at a broadcast time (Paragraph 0031 “IP... encrypted transmission techniques are utilized for simultaneous distribution of streaming media and store & forward components on serial, point-to-multipoint and/or hybrid networks”);
- retrieving at least one piece of programming content from the storage device in response to user-specified preferences (Paragraph 0026 “interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed”); and
- transmitting the at least one piece of programming content to a location remote from a recording location at a time different from the broadcast time (Paragraph 0032 “The remote nodes located at the remote locations

throughout the geographic area allows locally customized programming to be assembled from national program components”).

**Regarding claim 4**, Rowe et al disclose a method wherein the location remote from the recording location comprises an originating broadcaster (Paragraph 0064 “The national feed is distributed to Remote Channel Origination Nodes [‘RCON’]...The RCON 500 may include a broadcast distribution system”).

**Regarding claim 5**, Rowe et al disclose a method wherein the location remote from the recording location comprises a parent network (Fig. 1 illustrates bi-directional connections among the various elements of the network).

**Regarding claim 6**, Rowe et al disclose a method wherein the location remote from the recording location comprises an interactive television service (Paragraph 0025 “a number of automated subsystems for the purpose of creating, distributing, monitoring and controlling interactive and/or transactional, streaming media content are integrated to provide customized programming content for individual viewers”).

**Regarding claims 8 and 18**, Rowe et al disclose a method wherein the remote location comprises a content provider communicatively coupled to the broadcast center (Paragraph 0025 “NOC subsystems are able to...transfer program elements among each other”).

**Regarding claim 9**, Rowe et al disclose a method wherein recording at least a portion of the programming content includes converting the programming content into a streaming data format (Paragraph 0024 “the digital streaming media and encapsulated IP transport layer carries a plurality of program elements”).

**Regarding claim 10**, Rowe et al disclose a method wherein recording at least a portion of the programming content comprises responding to a record-request from a service provider (Paragraph 0026 “interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed”).

**Regarding claim 11**, Rowe et al disclose a method wherein the service provider comprises a second broadcast center (Paragraph 0025 “NOC subsystems are able to...communicate with each other...transfer program elements among each other”).

**Regarding claim 12**, Rowe et al disclose a method wherein the service provider comprises an originating broadcaster (Paragraph 0064 “The national feed is distributed to Remote Channel Origination Nodes [‘RCON’]...The RCON 500 may include a broadcast distribution system”).

**Regarding claim 13**, Rowe et al disclose a method wherein the service provider comprises a parent network (Fig. 1 illustrates bi-directional connections among the various elements of the network).

**Regarding claim 14**, Rowe et al disclose a method wherein the service provider comprises an interactive television service (Paragraph 0025 “a number of automated subsystems for the purpose of creating, distributing, monitoring and controlling interactive and/or transactional, streaming media content are integrated to provide customized programming content for individual viewers”).

**Regarding claim 15**, Rowe et al disclose a method wherein the service provider comprises a content provider communicatively connected to the broadcast center

(Paragraph 0025 “NOC subsystems are able to...transfer program elements among each other”).

**Regarding claim 16**, Rowe et al disclose a method wherein retrieving at least one piece of programming content includes correlating the user-specified preferences with stored information, the stored information corresponding to the piece of programming content to be retrieved (Paragraph 0026 “interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed”).

**Regarding claim 19**, Rowe et al disclose a method comprising:

- receiving programming content from a plurality of broadcasters at a broadcast center (Paragraph 0063 “Data Analysis and Graphics 100 receives and processes data directly from external sources...These sources may include third-party services gathering current and historical information”);
- converting the programming content into a streaming data format (Paragraph 0024 “the digital streaming media and encapsulated IP transport layer carries a plurality of program elements”);
- recording at least a portion of the programming content in a storage device (Paragraph 0059 “The streaming media distribution system 50...integrates a variety of live...programs with taped and/or stored programming”);  
broadcasting the programming content to a plurality of client terminals ();
- retrieving at least one piece of programming content from the storage device in response to user-specified preferences (Paragraph 0026 “interactive and

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transactional capabilities allowing viewers to control or select further programming content to be viewed"); and

- transmitting the at least one piece of programming content to an interactive television service to allow access to the at least one piece of programming content via a network (Paragraph 0032 "The remote nodes located at the remote locations throughout the geographic area allows locally customized programming to be assembled from national program components").

**Regarding claims 20 and 29,** Rowe et al disclose a manufactured broadcast center, comprising a server including:

- a processor (Paragraph 0131 "A computer workstation running the application software includes a Computer Processing Unit...or microprocessor to implement the logic that controls the operation of the system");
- a storage interface coupled to the processor (Fig 11, item 3302 "Network Server Data Center");
- a communications interface coupled to the processor configured to receive programming content from a plurality of broadcasters (Paragraph 0137 "Network Distribution, Monitor & control 370 provides the means through which streaming as well as 'store& forward' program elements are [1]packaged via IP encapsulation and addressed via IP encryption for distribution to various remote channel origination nodes"); and



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- a memory coupled to the processor to store a plurality of machine instructions (Paragraph 0131 “The software can be represent as a sequence of binary bits maintained on a computer readable medium”); and
- a storage device coupled to the server to store the programming content (Paragraph 0211 “an archival system”); and
- wherein execution of the machine instructions by the processor caused the server to:
  - receive the programming content from the plurality of broadcasters via a first communications link (Paragraph 0063 “Data Analysis and Graphics 100 receives and processes data directly from external sources...These sources may include third-party services gathering current and historical information”);
  - record at least a portion of the programming content in the storage device at a recording location (Paragraph 0059 “The streaming media distribution system 50...integrates a variety of live...programs with taped and/or stored programming”);
  - broadcast the programming content to a plurality of client terminals via a second communications link (Paragraph 0031 “IP...encrypted transmission techniques are utilized for simultaneous distribution of streaming media and store & forward components on serial, point-to-multipoint and/or hybrid networks”);

- retrieve at least one piece of programming content from the storage device in response to user-specified preference (Paragraph 0026 “interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed”); and
- transmit the at least one piece of programming content to a location remote from the recording location (Paragraph 0032 “The remote nodes located at the remote locations throughout the geographic area allows locally customized programming to be assembled from national program components”).

**Regarding claims 23 and 32,** Rowe et al disclose a manufactured broadcast center wherein the remote location comprises at least one of the plurality of broadcasters from which the programming content was received (Paragraph 0063 “Data Analysis and Graphics 100 receives and processes data directly from external sources”).

**Regarding claims 24 and 33,** Rowe et al disclose a manufactured broadcast center wherein the remote location comprises a parent network of at least one of the plurality of broadcasters from which the programming content was received (Fig. 1 illustrates bi-directional connections among the various elements of the network).

**Regarding claims 25 and 34,** Rowe et al disclose a manufactured broadcast center wherein the remote location comprises an interactive television service (Paragraph 0025 “a number of automated subsystems for the purpose of creating, distributing, monitoring and controlling interactive and/or transactional, streaming media

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content are integrated to provide customized programming content for individual viewers”).

**Regarding claims 26 and 35**, Rowe et al disclose a manufactured broadcast center wherein recording at least a portion of the programming content includes converting the programming content into a streaming data format (Paragraph 0024 “the digital streaming media and encapsulated IP transport layer carries a plurality of program elements”).

**Regarding claims 28 and 37**, Rowe et al disclose a manufactured broadcast center wherein retrieving at least one piece of programming content includes correlating the user-specified preferences with stored information corresponding to the piece of programming content to be retrieved (Paragraph 0026 “interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed”).

**Regarding claim 38**, Rowe et al disclose a method comprising:

- receiving programming content from a plurality of broadcasters at a broadcast center via a communications link (Paragraph 0063 “Data Analysis and Graphics 100 receives and processes data directly from external sources...These sources may include third-party services gathering current and historical information”);
- recording at least a portion of the programming content in a storage device (Paragraph 0059 “The streaming media distribution system 50...integrates a variety of live...programs with taped and/or stored programming”);

- broadcasting the programming content as an original broadcast to a plurality of client terminals at a broadcast time (Paragraph 0031 "IP...encrypted transmission techniques are utilized for simultaneous distribution of streaming media and store & forward components on serial, point-to-multipoint and/or hybrid networks");
- transmitting a request for at least one piece of programming content to the broadcast center from at least one service provider via the communications link (Paragraph 0177 "viewers may request information from available selections"), wherein the at least one piece of programming content comprises programming content included in the original broadcast (Paragraph 0022 "the digital streaming media program...including news, sports and entertainment programming");
- retrieving the at least one piece of programming content from the storage device (Paragraph 0026 "interactive and transactional capabilities allowing viewers to control or select further programming content to be viewed");
- transmitting the at least one piece of programming content to at least one service provider at a time different from the broadcast time (Paragraph 0032 "The remote nodes located at the remote locations throughout the geographic area allows locally customized programming to be assembled from national program components"); and
- receiving the at least one piece of programming content from the broadcast center at the at least one service provider via the communications link

(Paragraph 0030 "The network distribution and management will enable each of the remote nodes to receive program content").

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al (Pub US 2001/0003846).

**Regarding claim 7**, Rowe et al do not disclose a method wherein the interactive television service is maintained in a common facility with the recording location.

The examiner takes official notice that a close geographic proximity among various elements of a networked system is notoriously well known and widely used aspect of a local area network, and does not represent a patently distinct feature.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe et al to include elements that are within a common facility.

7. Claims 2-3, 21-22, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al (Pub US 2001/0003846) and in further view of Heller

("VPS a new System for domestic VCR start/stop by programme labels transmitted within the insertion data line")

**Regarding claims 2-3, 21-22, and 30-31**, Rowe et al do not disclose a method comprising detecting information triggers in the signal to determine if recording should occur.

Heller teaches a method of detecting information that accompanies the programming content to determine whether to record the portion of the programming content by way of triggering data (Page 346, lines 7-12 "To avoid malfunction of this kind the domestic VCR should not react to its built-in timer but directly to the presence of the programme item that the user has preselected for recording. For this to be possible each programme item has to be identified by an invisibly coded label information, which can be 'attached' to the programme video signal within its vertical blanking interval").

As taught by Heller, having program identification data in the video signal allows a recording operation to take place that accurately stores the desired program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe to detect program information to determine if recording should occur.

**8.** Claims 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al as applied to claims above, and further in view of Rakib (US Patent Application Publication 2002/0019984 A1).

**Regarding claims 27 and 36**, Rowe et al do not disclose a manufactured broadcast center wherein recording requests are received via a third communications link.

Rakib teaches a broadcast center where at least a portion of the programming content comprises responding to a record-request received from a service provider via a third communications link (Paragraph 0032 ""one or more broad-band transmission medium[s]...and which includes or is coupled to one or more servers or other circuits which provide the customer services to the peripherals. The headend[s] are controlled by the remote controls at the customer premises."").

As taught by Rakib, multiple channels of communication allow for data exchange among servers, as well as control of those servers via a variety of channels including upstream, Internet, common telephone lines, or other technologies, providing a convenient and robust communications scheme for the users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe et al to include multiple channel means of sending record requests to the servers.

**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
September 30, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER